

**Filed 12/13/07 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2007 ND 191

John Witzke,

Plaintiff and Appellant

v.

Ania Diaz Gonzales,

Defendant and Appellee

No. 20070162

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bruce A. Romanick, Judge.

AFFIRMED.

Per Curiam.

John Witzke (on brief), pro se, Bismarck, ND 58501, plaintiff and appellant.

Ania Diaz Gonzales (on brief), pro se, Bismarck, ND 58501, defendant and appellee.

Witzke v. Gonzales

No. 20070162

Per Curiam.

[¶1] John Witzke appeals from an order granting summary judgment and dismissing his complaint for claims of private nuisance and defamation.

[¶2] Witzke’s complaint alleges his neighbor, Gonzales, created a private nuisance by allowing her dogs to bark; because her yard contains “toxic dust” derived from the dogs defecating and urinating in her yard, which allegedly travels into Witzke’s adjacent yard; and because Gonzales has surveillance cameras attached to her home. He further alleges claims of defamation, both libel and slander, based on a letter in the newspaper written by Gonzales and a report Gonzales gave to police officers. Summary judgment dismissing the action is supported by the record with regard to all of Witzke’s claims.

[¶3] We summarily affirm the order granting summary judgment and dismissing Witzke’s nuisance and defamation claims under N.D.R.App.P. 35.1(a)(6).

[¶4] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Dale V. Sandstrom
Daniel J. Crothers
Mary Muehlen Maring